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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/014,441	12/14/2001	Farid Heidari Miandoab	51252-5210	3706

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MORGAN LEWIS & BOCKIUS LLP
1111 PENNSYLVANIA AVENUE NW
WASHINGTON, DC 20004

EXAMINER

MILLER, CARL STUART

ART UNIT	PAPER NUMBER
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3747

DATE MAILED: 03/25/2004

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/014,441

Applicant(s)

MIANDOAB ET AL.

Examiner

Carl S. Miller

Art Unit

3747

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) 9, 10, 14, 24, 28 and 31 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 15-23, 29-30, 32 and 34 is/are rejected.
- 7) ☒ Claim(s) 11-13, 25-27 and 33 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 5/15/02 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4&8.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Claims 9, 10, 14, 24, 28 and 31 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 7

The applicant will note that claims 9, 10, 23 and 24 have also been withdrawn, since they appear to only read on the Figure 4A embodiment. The restriction requirement is hereby made final.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1, 2, 5, 6, 7, 8, 15, 16, 19, 20, 21, 22 and 29 are rejected under 35 U.S.C. 102(a) as being anticipated by Kilgore ('942).

In particular, the two surfaces of Kilgore which anticipate these claims are the outer surface of the tube, which has undulations, and either end piece of the structure, both of which act to close the tube. An imaginary plane can be drawn through point A which will touch the first surface at three points. Since there is no mention of taking the air out of the tube during manufacturing, the tube will necessarily contain air when sealed at its ends.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 30, 32 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kilgore ('942).

In particular, the method of replacing one tube of a particular configuration with a second tube having another configuration would have been obvious because Kilgore notes that other embodiments with different volume can be used, as needed, for a particular system.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 4, 5, 6, 7, 8, 15, 16, 17, 18, 19, 20, 21, 22, and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Robinson ('621).

In particular, Figure 5 of the reference teaches an embodiment which has a corrugated surface integral with an end smooth surface. As in Kilgore, there is nothing about removing air during assembly. Finally, since the corrugated part of the bellows is round, the end would be round as well in order to close the element.

Claims 30, 32 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robinson.

As noted above with respect to Kilgore, Robinson also teaches that different strengths of the material used could be used for different system requirements, thereby making the substitution of a second volume obvious to one of ordinary skill in the art.

Claims 11-13, 25-27, and 33 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The drawings are objected to because the newer drawings filed 5/15/02 have eliminated many of the original reference numbers still in the specification. A proposed drawing correction or corrected drawings are required in reply to the Office action.


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. In particular, all of the references, except one, show damper members of various shapes suspended in pipes to dampen pressure pulsations. Miandoab teaches applicant's fuel rail constructed in a similar manner as is his, now claimed, fuel damper.

Finally, the applicant should correct the spacing of his Claim 2 which presently continues on the same line as Claim 1.

Any inquiry concerning this communication should be directed to Carl Miller at telephone number 308-2653.

Miller/DI

March 4, 2004


Carl S. Miller
Primary Examiner